

## **Article 7. Changes in the Program**

### **§15300. What activities require prior notification and approval of the Secretary?**

(a) A CUPA must notify and receive approval from the Secretary prior to instituting the following significant changes:

- (1) Addition or deletion of a program element;
- (2) Replacement or addition of a participating agency.

Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 235404.2(c) and 25404.3(d), Health and Safety Code.

#### **HISTORY**

1. New article 7 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New article 7 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New article 7 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New article 7 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).

### **§15310. What are the notification and approval procedures for activities which require prior approval from the Secretary?**

(a) The CUPA shall submit a proposal for a significant change in the Unified Program, as identified in section 15300, to the Secretary for approval prior to instituting that change.

- (1) The CUPA shall submit a modification to all applicable sections of the application for certification with its proposal for a significant change in the Unified Program.
- (2) The CUPA shall simultaneously send a copy of the proposed change to the affected participating agency.
- (3) Any participating agency involved in implementing a program element that is subject to proposed change shall have the opportunity to provide information related to the issue.

(b) The Secretary shall review proposed significant changes to a Unified Program following the steps identified in Section 15160, and may conduct a public hearing when necessary. The Secretary shall complete the review within 180 days.

(c) The Secretary shall follow the certification appeal process pursuant to section 15160 if the CUPA appeals a decision pursuant to this subdivision.

**TITLE 27**  
**Division 1, Subdivision 4**  
**Chapter 1**

Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Sections 25404.2(c), 25404.3 and 25404.4(a), Health and Safety Code.

**HISTORY**

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of compliance as to 11-14-94 order transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).

**§15320. What procedure will be followed if withdrawal of a certification becomes necessary?**

- (a) During periodic review of the Unified Program, or review of an amended application, if the Secretary finds the program or the program implementation to be deficient, the Secretary may:
  - (1) Issue a Notice of Intent to withdraw certification or
  - (2) Enter into a program improvement agreement with the CUPA to correct the deficiencies.
- (b) A Notice of Intent to withdraw certification shall include specific reasons why the CUPA has failed to meet its obligations, in accordance with Section 25404.4 of the Health and Safety Code, to adequately implement the Unified Program within its jurisdiction.
  - (1) A period of 60 days shall be allowed for the CUPA to respond to the Notice of Intent to withdraw certification and to correct deficiencies.
  - (2) A public hearing may be scheduled, at which the Secretary may hear the CUPA's response to the Notice of Intent to withdraw.
- (c) If a city or joint powers agency certified as a CUPA and implementing the Unified Program within a city desires to withdraw as a CUPA, it shall give 180 days notice to the Secretary and to the county within which the city is located or to the joint powers agency with which the county has an agreement to implement the Unified Program prior to withdrawing from its Unified Program obligations. A successor CUPA will be chosen in accordance with the provisions of Section 25404.3(f) of the Health and Safety Code.

Authority cited: Sections 25404, 25404(b), 25404.3(g) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.3(g) and 25404.4(a), Health and Safety Code.

**HISTORY**

**TITLE 27****Division 1, Subdivision 4****Chapter 1**

1. New section and Appendices A-C filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section and Appendices A-C refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section and Appendices A-C refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section and Appendices A-C refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsection (c), repealer of Appendices A-C and new Appendices A-B and Tables 1-8 transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Relocation and amendment of appendices A and B to new section 15260 filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).